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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,126	09/27/1999	ROBERT W. BOSSEMEYER JR.	8285/314	2323

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EXAMINER

BORISSOV, IGOR N

ART UNIT	PAPER NUMBER
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3639

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

17

Office Action Summary	Application No. 09/407,126	Applicant(s) BOSSEMEYER ET AL.	
	Examiner Igor Borissov	Art Unit 3639	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-12,14-19 and 21-26 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3,5-12,14-19 and 21-26 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Response to Amendment***

Amendment received on 4/6/2005 is acknowledged and entered. Claims 4, 13 and 20 have previously been canceled. Claims 1, 9, 10 and 17 have been amended. Claims 1-3, 6-12, 14-19 and 21-26 are currently pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-12, 14-19 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alcott (US 6,324,273) in view of Panizzon (US 4,219,700) (Panizzon) and further in view of Majmudar et al. (US 4,897,866) (Majmudar).

Alcott teaches a computer-implemented method and system for ordering a telecommunication service, comprising:

As per claims 1, 10 and 17,

determining, in accordance with an inquiry of a party, an availability of a telecommunication feature for the party of a telecommunication network (C. 3, L. 62 - C. 4, L. 4);

identifying the party of the telecommunication network and the telecommunication feature unavailable to the first party in accordance with said inquiry (C. 3, L. 48 - 53; C. 3, L. 62 - C. 4, L. 4);

providing availability data which indicates an availability of the telecommunication feature to a portion of the telecommunication network which serves the party (C. 3, L. 62 - C. 4, L. 4);

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determining that the telecommunication feature has become available to the party based on the first data structure and the availability data (C. 4, L. 15-25). As per "storing" feature, Alcott teaches the computer-implemented method, wherein the steps of: "identifying the party of the telecommunication network and the telecommunication feature unavailable to the first party" are performed by the order processor (44), thereby indicating storing step (C. 3, L. 48-53).

Alcott does not specifically teach that inputting said availability data, which indicates availability of the telecommunication feature to a portion of the telecommunication network serving the party, is occurring after completion of the first transaction; and after upgrading the portion of the telecommunication network which serves the party.

Panizzon teaches a method and system for party line subscriber interface circuit, wherein a telephone service subscriber, after inquiring for a telecommunication feature, said feature was unavailable for the subscriber, and after completing the inquiry, and after the processing the availability of said feature, was informed that said feature had become available to the subscriber (C. 2, L. 48-54; C. 9, L. 57 - C. 10, L. 7).

Majmudar teaches a method and system for telecommunication arrangement, wherein, after a subscriber selects (inquires) a desired specific telecommunication feature, the inquiry is processed, and appropriate software modules are assembled (the system is upgraded) to enable the requested feature. After this event, if user lifts a handset to originate a call, the requested feature is available (C. 6, L. 1-17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alcott to include that inputting said availability data, which indicates an availability of the telecommunication feature, is occurring after completion of the first transaction, as taught by Panizzon, because it would advantageously improve customer service of the service providers by allowing subscribers to inquire for the desired feature only

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once. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alcott and Panizzon to include that inputting said availability data is occurring after upgrading the portion of the telecommunication network which serves the party, as taught by Majmudar, because it would advantageously allow to accommodate various needs subscribers may have, thereby make the system more attractive to customers.

As per *first* party and *first* telecommunication feature, the method steps, disclosed in Alcott, Panizzon and Majmudar would be performed the same regardless how many parties make inquiries for a service, and how many telecommunication features are available for the service. Furthermore, Alcott teaches:

As per claims 2, 11 and 18,

identifying another party of the telecommunication network and another a telecommunication feature unavailable to another party; determining an availability of the telecommunication feature for another party of a telecommunication network; and determining that the telecommunication feature unavailable to another party (C. 3, L. 48 -53; C. 3, L. 62 - C. 4, L. 4). As per "storing" feature, Alcott teaches the computer-implemented method, wherein the steps of "identifying the party of the telecommunication network and the telecommunication feature unavailable to the first party" are performed by the order processor (44), thereby indicating storing step (C. 3, L. 48-53).

As per *second* party and *first* telecommunication feature, the method steps, disclosed in Alcott, Panizzon and Majmudar would be performed the same regardless how many parties make inquiries for a service, and how many telecommunication features are available for the service.

As per claims 3, 12 and 19, identifying another party of the telecommunication network and another telecommunication feature unavailable to another party; and determining that another telecommunication feature unavailable to another party (C. 3, L. 48 - 53; C. 3, L. 62 - C. 4, L. 4). As per "storing" feature, Alcott teaches the computer-implemented method, wherein the steps of "identifying the party of the telecommunication network and the

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telecommunication feature unavailable to the first party" are performed by the order processor (44), thereby indicating storing step (C. 3, L. 48-53). As to *second* party and *first* telecommunication feature, the method steps, disclosed in Alcott, Panizzon and Majmudar would be performed the same regardless how many parties make inquiries for a service, and how many telecommunication features are available for the service.

As per claim 5, said method and system, comprising: prior to inputting the availability data, receiving a call from the party, and informing in the call that the first telecommunication feature is unavailable to the party (C. 1, L. 11-33; C. 3, L. 41 - C. 4, L. 4).

As per claims 6, 14 and 21, said method and system, wherein the first telecommunication feature comprises a telecommunication service (C. 1, L. 6-7).

As per claims 7, 15 and 22, said method and system, wherein the first telecommunication feature comprises a telecommunication product (C. 1, L. 6-7).

As per claims 8, 16 and 23, said method and system, wherein the telecommunication network comprises a telephone network (C. 1, L. 62 - C. 2, L. 12).

As per claim 9,

determining an availability of a telecommunication feature for the party of a telecommunication network in accordance with an inquiry of a party (C. 3, L. 62 - C. 4, L. 4);

storing a first data structure which identifies the party of the telecommunication network and the telecommunication feature unavailable to the first party in accordance with said inquiry (C. 3, L. 48-53; C. 3, L. 62 - C. 4, L. 4);

providing availability data which indicates an availability of the telecommunication feature to a portion of the telecommunication network which serves the party (C. 3, L. 62 - C. 4, L. 4);

determining that the telecommunication feature has become available to the party based on the first data structure and the availability data (C. 4, L. 15-25). As per "storing" feature, Alcott teaches the computer-implemented method, wherein the steps of "identifying the party of the telecommunication network and the telecommunication feature unavailable to the first party" are performed by the order processor (44), thereby obviously indicating storing step (C. 3, L. 48-53).

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Alcott does not specifically teach that inputting said availability data, which indicates availability of the telecommunication feature to a portion of the telecommunication network serving the party, is occurring after completion of the first transaction; and after upgrading the portion of the telecommunication network which serves the party.

Panizzon teaches a method and system for party line subscriber interface circuit, wherein a telephone service subscriber, after inquiring for a telecommunication feature, said feature was unavailable for the subscriber, and after completing the inquiry, and after the processing the availability of said feature, was informed that said feature had become available to the subscriber (C. 2, L. 48-54; C. 9, L. 57 - C. 10, L. 7).

Majmudar teaches a method and system for telecommunication arrangement, wherein, after a subscriber selects (inquires) a desired specific telecommunication feature, the inquiry is processed, and appropriate software modules are assembled (the system is upgraded) to enable the requested feature. After this event, if user lifts a handset to originate a call, the requested feature is available (C. 6, L. 1-17).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alcott to include that inputting said availability data, which indicates an availability of the telecommunication feature, is occurring after completion of the first transaction, as taught by Panizzon, because it would advantageously improve customer service of the service providers by allowing subscribers to inquire for the desired feature only once. And it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alcott and Panizzon to include that inputting said availability data is occurring after upgrading the portion of the telecommunication network which serves the party, as taught by Majmudar, because it would advantageously allow to accommodate various needs subscribers may have, thereby make the system more attractive to customers.

Also, Alcott, Panizzon and Majmudar do-not specifically teach a first party, a second party and a third party, which inquire for a first, second and third features. However, the method steps disclosed in Alcott, Panizzon and Majmudar indicate continuity of the disclosed method. As to *first, second and third party* and *first, second and third telecommunication features*, the method steps, disclosed in Alcott, Panizzon and Majmudar would be performed the same regardless how many parties make inquiries for a service, and how many telecommunication features are available for the service.

As per claims 24-26, Panizzon teaches that a telephone service subscriber, after inquiring for a telecommunication feature, said feature was unavailable for the subscriber, and after completing the inquiry, and after the processing the availability of said feature, was informed that said feature had become available to the subscriber (C. 2, L. 48-54; C. 9, L. 57 - C. 10, L. 7). The motivation to combine Alcott with Panizzon would be to advantageously improve customer service of the telephone service provider by returning the customer call for a desired telecommunication feature.

Response to Arguments

Applicant's arguments filed on 4/6/2005 have been fully considered but they are not persuasive.

In response to the Applicant's argument that the prior art does not teach *upgrading feature, and processing the first data structure and the availability data in response to upgrading the portion of the telecommunication network, which serves the first party*, the examiner maintains that Majmudar teaches this feature. Specifically, Majmudar teaches that after a subscriber selects (inquires) a desired specific telecommunication feature, the inquiry is processed, and appropriate software modules are assembled (the system is upgraded) to enable the requested feature. After this event, if user lifts a handset to originate a call, the requested feature is available (C. 6, L. 1-17).

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Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (571) 272-6801.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Hayes, can be reached at (571) 272-6708.

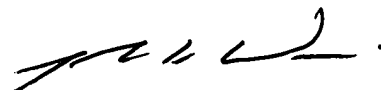
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington D.C. 20231

or faxed to:

(703) 872-9306 [Official communications; including After Final communications labeled "Box AF"]



**JOHN G. WEISS
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6/020/2005